

1 NVB 105-2 (Effective 1/17)

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 9 Pro-se Debtor \_\_\_\_\_

7 **UNITED STATES BANKRUPTCY COURT**  
 8 **DISTRICT OF NEVADA**

9 \* \* \* \* \*

10 In re: \_\_\_\_\_ ) BK-S-19-11214-MKN  
 11 CYNTHIA EQUELS )  
 12 ) CHAPTER 13  
 13 )  
 14 ) **EX PARTE MOTION FOR REFERRAL**  
 15 ) **TO MORTGAGE MODIFICATION**  
 16 ) **MEDIATION PROGRAM**  
 17 Debtor(s). \_\_\_\_\_

18 The Debtor files this Ex Parte Motion for Referral to Mortgage Modification Mediation  
 19 Program (“Ex Parte Motion”) and requests the Court enter an Order Granting Debtor’s Ex Parte  
 20 Motion for Referral to Mortgage Modification Mediation” (“Ex Parte Order”) referring Debtor  
 21 and CIT BANK, N.A. C/O LOAN (“Lender”) to Mortgage Modification Mediation (“MMM”)  
 22 Program and states as follows:

23 1. Debtor is an individual who has filed for bankruptcy relief under, or converted to,

24 Chapter 13 on March 1, 2019.

25 2. This Motion is being filed:

26  within ninety (90) days after the petition date.

27  later than ninety (90) days after the petition date for the following reason(s):

28 Debtor was working on obtaining the fees associated with the MMM Program.

3. Debtor requests MMM for real property ("Property") located at the following street address: 1530 Wagon Wheel Dr., Henderson, NV 89015

\_\_\_\_\_ . The account number for this Property is 3556 (last four digits).

a. The Property is (check one box):

the Debtor's primary residence.

not the Debtor's primary residence.

b. Borrowers obligated on the promissory note and mortgage on the Property are (check one box):

Debtor only.

Debtor and non-filing co-obligor/co-borrower/third party.

Contact information for co-obligor/co-borrower/third party:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email:

Other:

Name: \_\_\_\_\_

Address:

Telephone:

Email:

c. If applicable, Debtor has filed with this Motion the MMM Local Form "Third-Party Consent to Attend and Participate in Mortgage Modification Mediation" signed by each co-obligor/co-borrower/third party listed above.

4. Debtor:  has  has not (check one) previously sought Mortgage Modification  
Mediation for the subject property. (If previously sought in this or any other Chapter  
13 case, identify all bankruptcy case number(s) and result of Mortgage Modification  
Mediation(s):

\_\_\_\_\_).

5. Prior to filing this motion, Debtor has completed the initial loan modification forms completed using the court-approved Document Preparation Software, and collected the supporting documentation required for submission to Lender for review through the MMM Portal. Debtor has paid the Document Preparation Software fee to the approved vendor.

6. Prior to filing this motion, Debtor has determined that:

Lender is registered with the approved Mortgage Modification Mediation Portal (“MMM Portal”);

Lender is not registered. Debtor requests the Court require Lender, within seven days after the entry of the Order, to register with the MMM Portal and provide to the MMM Portal vendor any forms or documents which Lender may require to initiate a review under the MMM. The MMM Portal vendor shall post any such forms or documents to the Lender's profile on the MMM Portal.

7. Debtor requests Lender consider (check as many boxes as applicable):

a loan modification.

1                    a deed in lieu of foreclosure.  
2                    surrender options.  
3                    other: \_\_\_\_\_.

4                   8. IF DEBTOR IS REQUESTING NON-RETENTION (SURRENDER) OPTIONS:

5                   a. Debtor will submit all additional documents required for surrender as  
6                   provided for on the MMM Portal.  
7                   b. Debtor represents that the property  has or  has not been listed for sale.

8                   9. Debtor has verified the eligibility of Nelson M. Segel to  
9                   serve as a Mediator under the MMM Procedures and requests that the Court assign  
10                  this individual as the Mediator in the case.

11                  10. If the Debtor is represented by an attorney, Debtor remitted the required Mediator's  
12                  fee pursuant to the MMM Procedures to the Debtor's attorney, or has made other  
13                  arrangements with Debtor's attorney for payment of the Mediator's fee. Debtor  
14                  understands and acknowledges that after the Mediator is assigned, the Mediator's fee  
15                  is not refundable for any reason at any time.

16                  11. If the Debtor is not represented by an attorney, the Debtor obtained a money order or  
17                  a cashier's check to pay the required Mediator's fee pursuant to the MMM  
18                  Procedures, and a copy of that money order or cashier's check is attached. Debtor  
19                  understands and acknowledges that after the Mediator is assigned, the Mediator's fee  
20                  is not refundable for any reason at any time.

21                  12. Within seven days after entry of an Order Granting Ex Parte Motion for Referral to  
22                  Mortgage Modification Mediation Program, Debtor shall pay a non-refundable  
23                  MMM Portal submission fee to the MMM Portal vendor and upload to the MMM  
24                  Portal:

1                   a. A copy of the Order referring the case to the MMM Program; and  
2                   b. Debtor's Prepared Package (prepared using the Document Preparation  
3                   Software);

4                   13. Within seven (7) days after entry of an Order Granting Ex Parte Motion for Referral  
5                   to Mortgage Modification Mediation Program, Debtor shall identify the assigned  
6                   Mediator on the MMM Portal.

7                   14. Debtor will forward the Mediator's fee directly to the Mediator within seven (7)  
8                   days after receiving initial contact and payment instructions from the assigned  
9                   Mediator on the MMM Portal.

10                  15. If Debtor is represented by counsel, Debtor consents to Lender communicating  
11                  directly with Debtor's attorney for any and all aspects of the mortgage modification  
12                  mediation program.

13                  16. If Debtor is not represented by counsel, Debtor may be contacted at the following  
14                  phone number(s) and email address:

15                  \_\_\_\_\_

16                  \_\_\_\_\_.

17                  17. If this Chapter 13 case is dismissed, converted, or otherwise removed from the  
18                  District of Nevada prior to Debtor's completion of the MMM Program, the MMM  
19                  proceedings in the case will immediately terminate and the parties will be relieved of  
20                  the requirements of the MMM Program procedures;

21                  WHEREFORE, Debtor requests that this Ex Parte Motion be granted and for such other  
22                  and further relief as this Court deems proper.

1 /s/ THOMAS E. CROWE, ESQ.  
2 Attorney for Debtor(s) or Pro Se Debtor

Dated: 10/01/2019

3 **DEBTOR'S VERIFICATION**

4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the foregoing is true and correct  
5 on the 1st day of October, 2019.

6

7 /s/ CYNTHIA EQUELS  
8 Debtor

Debtor

9 Submitted by:

10

11 T. E. Crowe  
12 Attorney for Debtor(s) or Pro Se Debtor

Dated: 10/01/2019